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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
PEREZ GUTIERREZ, RAFAEL

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/711,056	Jiang et al.
	Examiner	Art Unit
	Rafael Perez-Gutierrez	2686

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 June 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-27_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _09 November 2000_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible

for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been

timely paid, the finality of the previous Office Action has been withdrawn pursuant to 37 CFR

1.114. Applicant's submission filed on March 18, 2004 has been entered. **Claims 1-27** are still

pending in the present application.

Drawings

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they

include the following reference numbers not mentioned in the description:

   a) On **figures 3-6**, reference number **352** is not mentioned in the description;

   b) On **figure 5**, reference numbers **534 and 536** are not mentioned in the description;

   c) On **figure 6**, reference numbers **138, 634, and 636** are not mentioned in the

description; and

   d) On **figure 7**, reference numbers **710, 712, and 714** are not mentioned in the

description.

3.   The drawings are objected to because of the following minor informality: On **figure 16A**

step 1610, replace "LBS?No" with --LBS?-- and insert --No-- outside the decision block to

properly label the "No" path.

4.   Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to

the Office Action to avoid abandonment of the application. Any amended replacement drawing

sheet should include all of the figures appearing on the immediate prior version of the sheet,

even if only one figure is being amended. The figure or figure number of an amended drawing

should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure

must be removed from the replacement sheet, and where necessary, the remaining figures must

be renumbered and appropriate changes made to the brief description of the several views of the

drawings for consistency. Additional replacement sheets may be necessary to show the

renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement

Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the

drawing figures. If the changes are not accepted by the Examiner, the Applicant will be notified

and informed of any required corrective action in the next Office Action. If a response to the

present Office Action fails to include proper drawing corrections, corrected drawings or

arguments therefor, the response can be held **NON-RESPONSIVE** and/or the application could

be **ABANDONED** since the objections/corrections to the drawings are no longer held in

abeyance.

Specification

5.   The specification is objected to as failing to provide proper antecedent basis for the

claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the

following is required: **Claim 2** recites the limitation of "user-dependent data comprises logon

information, account information, e-commerce information, and/or user preferences" and **claim**

17 recites the limitation of "user-dependent information comprises logon information, account

information, e-commerce information, and user preferences" and the specification fails to

provide antecedent basis for the user-dependent data comprising logon information, account

information, e-commerce information, **and** user preferences (i.e., that the logon, account, and e-

commerce information, and user preferences **are all included** in the user-dependent data as

required by the **and/**or recitation). It is respectfully requested that either the specification be

corrected to provide antecedent basis or the claims be amended to only recite "or". Applicant is

welcome to point out where in the specification the Examiner can find antecedent basis for the

"and" portion of "and/or" if Applicant believes otherwise.

Claim Objections

6.   **Claims 1-4, 6, 9, 20, 22, 23, and 27** are objected to because of the following

informalities:

       a) On **line 13 of claim 1**, on **line 16 of claim 9**, on **line 8 of claim 22**, on **line 10 of claim**

23, and on **line 17 of claim 27**, replace "the" with --a-- after "formatting" in order to provide

proper antecedent basis for "response";

b) On **line 1** of **claims 2-4**, replace "data" with --information-- after "user-dependent" in order to provide consistency with the language recited in claim 1;

c) On **line 2** of **claim 3**, insert --the-- before "logon";

d) On **line 2** of **claim 4**, insert --the-- before "e-commerce";

e) On **line 1** of **claim 6**, replace "the" with --a-- after "wherein" in order to provide proper antecedent basis for "key sequence";

f) On **line 8** of **claim 20**, replace "the" with --a-- after "to" in order to provide proper antecedent basis for "service provider"; and

g) On **line 2** of **claim 22**, replace "steps" with --apparatus-- after "device,".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the Applicant regards as his invention.

Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Consider **claims 1, 9, 20, 22, 23, 27**, the phrase "cellular-type" renders the claims indefinite because the addition of the word "type" to an otherwise definite expression (e.g.,

cellular provider or terminal) extends the scope of the expression so as to render it indefinite (*Ex parte Copenhaver*, 109 USPQ 118 (Bd. App. 1955)). See MPEP § 2173.05(b).

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

> A person shall be entitled to a patent unless -- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by **Stewart et al. (U.S. Patent # 6,571,221 B1).**

Consider **claims 1 and 9**, Stewart et al. teach a method for providing a wireless device access to one or more information networks (abstract), the steps comprising:

storing user-dependent information for access to an information network (column 12 lines 42-67), wherein access is provided through a cellular provider (inherently taught in column 6 lines 10-18 and column 11 lines 13-24, when the communication is through a cellular connection);

storing a key sequence as a translation for an information request, and translating that key sequence to the information request for transmittal to a service provider (column 12 line 42 - column 13 line 16, it is clear that since various types of devices may access Stewart's et al.

system that any of these devices may have a specific sequence of keys or buttons that may be depressed to gain access to a network to request information);

providing user-dependent information for access to an information network (column 13 lines 19-32);

initiating an information request in response to a user input (column 6 lines 10-32 and column 13 lines 45-53, it is clear that for the connection to the network to be made that some action, or button pressing, is required by the user otherwise the personal communication device (PCD) would be inoperable);

determining whether the information request requires user-dependent information (column 11 line 31 - column 12 line 67 and column 13 line 19 - column 14 line 6, the personal computing device determines if the digital certificate is sent to the network, and the information on the certificate is modifiable);

retrieving the user-dependent information if required by the information request (column 11 line 31 - column 12 line 67 and column 13 line 19 - column 14 line 6);

submitting the request with the user-dependent information to a service provider for retrieving the information (column 14 lines 17-28);

receiving location dependent information by at least one secure location server (e.g., network interface subsystem 220 or management information base (MIB) 150) (abstract, figures 1A-2A, and 3B, column 5 lines 37-46, column 6 lines 28-32, column 7 line 63 - column 8 line 3, column 9 lines 9-19 and 50-57, column 10 lines 27-29 and 47-49, column 11 lines 5-10, column 13 lines 33-44, and column 13 line 64 - column 14 line 6);

formatting a response according to location dependent information (column 9 lines 9-19);

and

presenting the response to the wireless device (column 6 lines 10-32).

Consider **claims 2 and 17**, and **as applied to claims 1 and 9 above**, in Stewart's et al.

method the user-dependent data comprises logon information, account information, e-commerce

information, and/or user preferences (column 11 line 31 - column 12 line 67).

Consider **claims 3 and 18**, and **as applied to claims 1 and 9 above**, in Stewart's et al.

method the user-dependent data comprises logon information, including a user ID, a user

password, and a user preference (column 11 line 31 - column 12 line 67 and column 14 line 29 -

column 15 line 44).

Consider **claims 4 and 19**, and **as applied to claims 1 and 9 above**, in Stewart's et al.

method the user-dependent data comprises e-commerce information including a user account, a

user password, credit information, and demographic information (column 11 line 31 - column 12

line 67 and column 14 line 29 - column 15 line 44).

Consider **claim 5**, and **as applied to claim 1 above**, in Stewart's et al. method the step of

providing user-dependent information comprises the capturing of sign-up information, the

capturing of logon information, and registering logon information (column 11 line 31 - column

12 line 67 and column 14 line 29 - column 15 line 44).

Consider **claim 6**, and **as applied to claim 1 above**, Stewart et al. describe that a portable

computing device (PCD) is used to store the digital certificate and access his system and that the

only limitation is that the computing device have a wireless or wired network connection

(column 5 lines 29-46 and column 12 lines 60-67). Therefore for any of these devices to request information from a network a series of keys, buttons, or mouse clicks are required.

Consider **claim 7**, and **as applied to claim 1 above**, in Stewart's et al. method the information request comprises selecting a shortcut, entering a URL translation and invoking a servlet (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44).

Consider **claim 8**, and **as applied to claim 1 above**, in Stewart's et al. method the step of determining whether the information request requires user dependent information is performed by at least one of invoking a servlet with predefined user-dependent information, translating a shortcut and filtering the translated shortcut for user-dependent data, and retrieving for a URL a translation and filtering the URL translation for user-dependent data (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44).

Consider **claim 10**, and **as applied to claim 9 above**, in Stewart's et al. method the step of storing user-dependent information is performed by a wireless device, a wired device, or an application server (column 12 lines 10-67).

Consider **claims 11 and 12**, and **as applied to claim 9 above**, in Stewart's et al. method the step of storing and translating the key sequence is performed by at least one of a wireless device or a wired device (column 12 line 42 - column 13 line 16, it is clear that since various types of devices may access Stewart's system that any of these devices may have a specific sequence of keys or buttons that may be depressed to gain access to a network to request information, the translation is done by the software used to connect to the network).

Consider **claim 13**, and **as applied to claim 9 above**, in Stewart's et al. method the step

of determining whether the information request requires user dependent information is

performed by a wireless device, wired device, or an application server (column 11 line 31 -

column 12 line 67 and column 14 line 29 - column 15 line 44).

Consider **claim 14**, and **as applied to claim 9 above**, in Stewart's et al. method the step

of retrieving the user dependent information is performed by a wireless device, wired device, or

an application server (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15

line 44).

Consider **claim 15**, and **as applied to claim 9 above**, in Stewart's et al. method the

user-dependent data is stored on a wireless device, wired device, or an application server

(column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44).

Consider **claim 16**, and **as applied to claim 9 above**, in Stewart's et al. method the key

sequence is enabling determination of a user-defined shortcut, a system defined shortcut, a URL

and a link (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line 44,

when the key sequence to connect to the network is performed the digital certificate including

shortcuts etc. are sent to the network when the user becomes connected).

Consider **claims 20 and 21**, Stewart et al. teach a method for allowing cookies on a

wireless device, the steps comprising:

storing cookie information on a cellular (inherently taught in column 6 lines 10-18 and

column 11 lines 13-24, when the communication is through a cellular connection) terminal

(column 11 lines 49-63);

thereafter retrieving the cookie information from the cellular terminal in response to a

request from a cellular (inherently taught in column 6 lines 10-18 and column 11 lines 13-24,

when the communication is through a cellular connection) terminal (column 11 line 31 - column

12 line 67);

receiving location dependent information by at least one secure location server (e.g.,

network interface subsystem 220 or management information base (MIB) 150) (abstract, figures

1A-2A, and 3B, column 5 lines 37-46, column 6 lines 28-32, column 7 line 63 - column 8 line 3,

column 9 lines 9-19 and 50-57, column 10 lines 27-29 and 47-49, column 11 lines 5-10, column

13 lines 33-44, and column 13 line 64 - column 14 line 6);

formatting a response according to location dependent information (column 9 lines 9-19);

and

transmitting the cookie information to a service provider via the Internet (column 11 line

31 - column 12 line 67).

Consider **claim 22**, Stewart et al. teach an apparatus for allowing Internet cookies on a

wireless device, the apparatus comprising:

means for the wireless device to connect to a cellular (inherently taught in column 6 lines

10-18 and column 11 lines 13-24, when the communication is through a cellular connection)

terminal (column 5 line 29 - column 6 line 34);

means for storing cookie information on the cellular terminal (column 11 line 31 -

column 12 line 67);

means for retrieving the cookie information from the cellular terminal (column 11 line 31

- column 12 line 67);

means for receiving location dependent information by at least one secure location server

(e.g., network interface subsystem 220 or management information base (MIB) 150) (abstract,

figures 1A-2A, and 3B, column 5 lines 37-46, column 6 lines 28-32, column 7 line 63 - column 8

line 3, column 9 lines 9-19 and 50-57, column 10 lines 27-29 and 47-49, column 11 lines 5-10,

column 13 lines 33-44, and column 13 line 64 - column 14 line 6);

means for formatting a response according to location dependent information (column 9

lines 9-19); and

means for transmitting the cookie information to a cellular (inherently taught in column 6

lines 10-18 and column 11 lines 13-24, when the communication is through a cellular

connection) service provider (column 11 line 31 - column 12 line 67).

Consider **claim 23**, Stewart et al. teach a method for allowing a wireless device user to

logon to a secure area of the Internet (column 14 line 63 - column 15 line 7, clearly the user is

given access to a charge account indicating that the area is secure), the steps comprising:

providing user access information to a service platform (column 5 line 29 - column 6 line

34), wherein access is at least provided through a cellular provider (inherently taught in column 6

lines 10-18 and column 11 lines 13-24, when the communication is through a cellular

connection);

initiating an information request for secure information in response to a user input

(column 12 line 42 - column 13 line 16 and column 11 line 31 - column 12 line 67 and column

14 line 29 - column 15 line 44, it is clear that since various types of devices may access Stewart's

et al. system that any of these devices may have a specific sequence of keys or buttons that may

be depressed to gain access to a network to request information, the translation is done by the

software used to connect to the network. Then the certificate with the secure data is transmitted

to the network giving the user secure access);

detecting whether the information request requires user access information (column 11

line 31 - column 12 line 67 and column 14 line 10 - column 15 line 44);

receiving location dependent information by at least one secure location server (e.g.,

network interface subsystem 220 or management information base (MIB) 150) (abstract, figures

1A-2A, and 3B, column 5 lines 37-46, column 6 lines 28-32, column 7 line 63 - column 8 line 3,

column 9 lines 9-19 and 50-57, column 10 lines 27-29 and 47-49, column 11 lines 5-10, column

13 lines 33-44, and column 13 line 64 - column 14 line 6);

formatting a response according to location dependent information (column 9 lines 9-19);

and

retrieving the user access information and submitting the information request with the

user logon information (column 11 line 31 - column 12 line 67 and column 14 line 10 - column

15 line 44).

Consider **claim 24**, and **as applied to claim 23 above**, in Stewart's et al. method the

user-dependent data comprises logon information, including a user ID, a user password, and a

user preference (column 11 line 31 - column 12 line 67 and column 14 line 29 - column 15 line

44).

Consider **claim 25**, and **as applied to claim 23 above**, in Stewart's et al. method the step

of providing user-dependent information comprises the capturing of sign-up information, the

capturing of logon information, and registering logon information (column 11 line 31 - column

12 line 67 and column 14 line 29 - column 15 line 44).

Consider **claim 26**, and **as applied to claim 23 above**, in Stewart's et al. method the step

of determining whether the information request requires user dependent information is

performed by at least one of invoking a servlet with predefined user-dependent information,

translating a shortcut and filtering the translated shortcut for user-dependent data, and retrieving

for a URL a translation and filtering the URL translation for user-dependent data (column 11 line

31 - column 12 line 67 and column 14 line 29 - column 15 line 44).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office Action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the Examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the Examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10.   **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Stewart et al.**

(U.S. Patent # 6,571,221 B1).

Consider **claim 27**, and **as applied to claims 1, 9, and 23 above**, Stewart et al. teach all

of the limitations stated in claim 27, and the means to accomplish said limitations. However,

Stewart et al. fail to specifically detail the code or software used to perform the functions taught

in their system. It would have been obvious to one of ordinary skill in the art at the time of the

invention to infer that since Stewart et al. teach the means and devices and hardware that were

used to implement the methods taught by them that the software in their system was also

functionally capable of performing these functions (column 5 line 29 - column 6 line 33). This

would have allowed Stewart's et al. system and method to be functional and actually work in a

real-world setting.

Response to Arguments

11.   Applicant's arguments filed March 18, 2004 have been fully considered but they are not

persuasive.

In the present application, Applicant basically argues, on pages 9-13 of the remarks, that

Stewart et al. do not teach utilizing location information to format a response.

The Examiner respectfully disagrees with Applicant argument because Stewart et al.

clearly disclose utilizing location information to format a response (see column 9 lines 9-19).

Conclusion

12.   Any response to this Office Action should be **faxed to** (703) 872-9306 **or mailed to**:

            Commissioner for Patents
            P.O. Box 1450
            Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

            220 S. 20th St.
            Crystal Plaza Two, Lobby, Room 1B03
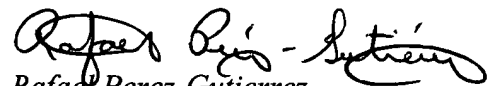   Arlington, VA 22202

13.   Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (703) 308-

8996. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-4700 or call

customer service at (703) 306-0377.

Rafael Perez-Gutierrez
R.P.G./rpg   RAFAEL PEREZ-GUTIERREZ
              PATENT EXAMINER
August 23, 2004